IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1631 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1632 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1633 OF 2005

M/s. Kedia Chemical Industries Limited & Anr ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

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Mr. R.M. Kedia i/b A.K. Panicker, Advocate for Petitioners

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 25TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of Complaint Nos. 3461/2005, 3462/2005 and 3463/2005 which are pending in the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate

committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of five weeks from today as the petitioner No.2 is 62 years old and is suffering from heart disease and diabetes. I am informed that the date before the trial Court is 1.9.2005. The trial Court shall not proceed with the trial on that day and for a period of four weeks thereafter.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.

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